

REMARKS

In response to the Office Action mailed December 17, 2004, Applicants amended claim 15 and added new claim 37. Claims 15-23 and 37 are presented for examination.

The Examiner rejected claims 15 and 21-23 under 35 U.S.C. 103(a) as obvious over Wallach.

Claims 15 and 21-23 cover methods that require identifying an agent that interacts with TNFR-1 DD using a three dimensional structure of TNFR-1 DD, and obtaining the agent.

In contrast, Wallach discloses identifying polypeptides that bind to TNFR by methods that include yeast two-hybrid, affinity chromatography and non-stringent Southern hybridization techniques. (See, e.g., Wallach col. 4, lines 3-9; col. 10, lines 3-37; and col. 20, lines 25-39.) Nowhere does Wallach disclose or even suggest the use of a three dimensional structure to identify an agent that interacts with TNFR-1 DD.

Further, even if one skilled in the art had somehow been motivated by Wallach to try modify Wallach's methods to provide the methods covered by claims 15 and 21-23, that person would not have had a reasonable expectation of success, at least because, as known to those skilled in the art, determining the three dimensional structure of TNFR-1 DD is not a trivial matter.

In view of the foregoing, Applicants request reconsideration and withdrawal of the rejection of claims 15 and 21-23.

The Examiner also rejected claims 16-20 under 35 U.S.C. 103(a) as obvious over Brunger or Scanlan, alone or in view of Wallach. As amended, claims 16-20 cover methods that require identifying an agent that interacts with TNFR-1 DD using a three dimensional structure of TNFR-1 DD, and obtaining the agent. Neither Brunger nor Scanlan disclose or suggest such methods, and as explained above, Wallach also does not disclose or suggest such methods.

Brunger, Scanlan and Wallach, alone or in combination, do not disclose or suggest the methods covered by claims 16-20. There is no suggestion to combine these references to provide such methods. Even if the references were combined, the result would not be the methods

Applicant : Steven F. Sukits *et al.*
Serial No. : 09/854,906
Filed : May 14, 2001
Page : 5 of 5

Attorney's Docket No.: 16163-012001 / GI005445

covered by claims 16-20. Accordingly, Applicants request reconsideration and withdrawal of the rejection of claims 16-20.

Applicants believe the application is in condition for allowance, which action is requested.

No fees are believed to be due. If this is incorrect, please apply any charges or credits to deposit account 06-1050, referencing attorney docket number 16163-012001.

Respectfully submitted,

Date: March 16, 2005

Allyson Hatton
Allyson R. Hatton
Reg. No. 54,154

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

21047118.doc